

## **Declaration of Prof. Dr. Wolfgang Rohde**

Hon. Commission of Patents and Trademarks  
Washington, D. C. 20231

Sir,

I declare and state as follows:

1. Biographical notes

**1961-1969**

Study of Chemistry at the Christian-Albrechts-Universität, Kiel.

1967: Diploma

1969: Ph.D. in Organic Chemistry

**1969-1971**

Research Assistant at the MPI für Experimentelle Medizin (Göttingen)

**1971-1973**

Visiting Research Chemist at the Dept. of Chemistry, UC Santa Barbara, and the Dept. of Biochemistry and Biophysics, UC San Francisco, as a fellow of the Deutsche Forschungsgemeinschaft (DFG)

**1973-1974**

Assistant Research Microbiologist at the Dept. of Microbiology, UC San Francisco

**1974-1979**

Research Assistant at the Institute of Virology (Faculty of Human Medicine) at the Justus Liebig-Universität, Gießen

1979 „Habilitation“ in Virology and Molecular Biology

**1979-1984**

Heisenberg Fellow of the DFG.

1983-1984: Visiting Scientist at the Dept. of Plant Pathology, Waite Agricultural Research Institute, University of Adelaide, Australia

**since 1985**

Group leader at the Max-Planck-Institut für Züchtungsforschung, Köln, in the Department of Yield Physiology and Plant Breeding

2. The disclosure of the invention

This invention concerns specific virus DNA fragments and their use as promoters. More specifically, it relates to a coconut foliar decay virus fragment (CFDV) comprising nucleotides 734 to 785 set forth in SEQ ID NO: 1, and nucleotides 941 to 971 of SEQ ID NO: 1, but not the translation start for the open reading frame ORF1 set forth as nucleotides 1004 to 1006 of SEQ ID NO: 1, wherein the DNA fragment has promoter activity, and to a CFDV DNA fragment comprising nucleotides 734 to 785 set forth in SEQ ID NO: 1, and nucleotides 941 to 971 of SEQ ID NO: 1, but not the translation start for the open reading frame ORF2 set forth as nucleotides 1215 to 1217 of SEQ ID NO: 1, wherein the DNA fragment has promoter activity.

SEQ ID NO: 1 recited in the claims corresponds to the nucleotide sequence of the circular single-stranded DNA associated with coconut foliar decay virus disclosed in the publication by *W. Rohde et al.*, *Virology*, 176: 648-651, 1990. The present application refers to this reference several times (e. g. page 2, lines 26-32 and lines 32-37). I hereby declare that I intended for the sequence disclosed in *Rohde et al.* to constitute part of the disclosure of the specification. In other words, the *Rohde et al.* publication (my own publication) has to be understood as being incorporated by reference in the specification as originally filed.

3. I declare further that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

By: \_\_\_\_\_



Date: JULY 18, 2003

Prof. Dr. W. Rohde